

REMARKS

In accordance with the foregoing, claims 1-21 are pending and under consideration. No new matter is presented in this Amendment.

DOUBLE PATENTING REJECTION

Claims 1-3, 10, and 17 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 37 of copending Application No. 09/924,094 (the '094 application). The applicant respectfully traverses.

Although the applicant believes that the claims are patentably distinct over claim 37 of the '094 application, the applicants have filed a terminal disclaimer with this response. Accordingly, the double patenting rejection should be withdrawn.

Claims 4-6 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 37 of copending Application No. 09/924,094 in view of Patent No. 6,907,189 (the '189 patent).

Although the applicant believes that the claims are patentably distinct over claim 37 of the '094 application, the applicants have filed a terminal disclaimer with this response. Accordingly, the double patenting rejection should be withdrawn. In addition, the '189 patent is not available as prior art, as both the instant application and the '189 patent have an effective filing date of March 8, 1999, and the '189 patent was not published prior to the effective filing date of the instant application.

Claims 11-16, and 18-20 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 37 of copending Application No. 09/924,094 in view of Patent No. 7,177,527 (the '527 patent).

Although the applicant believes that the claims are patentably distinct over claim 37 of the '094 application, the applicants have filed a terminal disclaimer with this response. Accordingly, the double patenting rejection should be withdrawn. In addition, the '527 patent is not available as prior art, as both the instant application and the '527 patent have an effective filing date of March 8, 1999, and the '527 patent was not published prior to the effective filing date of the instant application.

Claim 21 is provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 37 of copending Application No. 09/924,094 in view of Patent No. 7,184,651.

Although the applicant believes that the claims are patentably distinct over claim 37 of the '094 application, the applicants have filed a terminal disclaimer with this response. Accordingly, the double patenting rejection should be withdrawn. In addition, the '189 patent is not available as prior art, as both the instant application and the '189 patent have an effective filing date of March 8, 1999, and the '189 patent was not published prior to the effective filing date of the instant application.

ALLOWABLE SUBJECT MATTER:

Claims 7-9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. As the rejection of claim 1, from which claims 7-9 depend, should be withdrawn, claims 7-9 are believed to be in allowable form.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

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